

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

TAMMY VACHON,)	
Charging Party)	HRC CASE NO. 0111014841
)	
v.)	
)	FINAL AGENCY DECISION
BURWELL BUTCHER SHOP)	
Respondent)	

Charging Party, Tammy Vachon (Vachon), filed a complaint with the Human Rights Bureau, Department of Labor and Industry (Department) alleging discrimination in employment on the basis of sex. Following an informal investigation, the Department determined that a preponderance of the evidence did not support the allegations that Respondent, Burwell Butcher Shop, discriminated against Vachon. The Department issued a Notice of Dismissal. Vachon filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on November 17, 2011. Vachon appeared *pro se* and argued on her own behalf. Earnest Burwell appeared *pro se* and argued on behalf of Respondent.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Section 49-2-511(2), MCA*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint in this case is not an abuse of discretion.

If a charging party chooses to commence a civil action in district court, the charging party has 90 days after the date this Final Agency Decision is issued to file a complaint in district court, in the district where the alleged violation occurred, and seek appropriate relief. *Section 49-2-511(3)(a), MCA*. If a charging party fails to commence a civil action within 90 days, the claims are time barred. *Id.*

Alternatively, a party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Sections 2-4-702 and 49-2-511(3)(b), MCA*. This review must be requested within 30 days of the date of this Final Agency Decision.

IT IS HEREBY ORDERED, that Tammy Vachon's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss Vachon's complaint against the Burwell Butcher Shop.

DATED this 21st day of November 2011.

/L.M.Minich/
L.M. Minich, Chair
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing FINAL AGENCY DECISION was mailed to the following by U.S. Mail, postage prepaid, on this 21st day of November 2011.

TAMMY VACHON
P.O. BOX 1605
TROUT CREEK, MT 59874

ERNEST BURWELL
BURWELL BUTCHER SHOP
P.O. BOX 2221
THOMPSON FALLS, MT 59873

/Tam Newby/
Tam Newby, Legal Secretary
Montana Human Rights Bureau